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Sentencing Disparities in Unlicensed Mining Cases: A *Fiqh Jinayah* Evaluation of Mandailing Natal District Court Decisions

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Abstract

Sentencing disparities in mining-related criminal cases raise concerns about the consistency of judicial decision-making and the proportionality of criminal sanctions. This study examines sentencing in nine decisions of the Mandailing Natal District Court through Indonesian positive law and *fiqh jinayah*. Using a normative legal design with statutory, case, and conceptual approaches, it analyzes the court decisions and related legal materials. Custodial sentences ranged from one month and fifteen days to ten months, and fines from IDR 1 million to IDR 100 million, for violations of Articles 158 and 161 of Law No. 3 of 2020. These variations do not necessarily indicate injustice; their legitimacy depends on case comparability, the defendants' roles and degrees of culpability, and the adequacy of judicial reasoning. From the perspective of *fiqh jinayah*, the principles of *al-'adl*, individual accountability, *ta'zir*, *maslahah*, and *maqasid al-shari'ah* offer a normative basis for evaluating proportionality and public welfare. This perspective requires punitive discretion to meet two conditions: punishment must reflect the offender's individual responsibility, and it must serve a legitimate public interest without letting collective harm or general deterrence replace proof of individual culpability. On this basis, the study proposes a four-stage model for examining criminal liability, individual circumstances, proportionality and public interest, and consistency across decisions. It recommends more rigorous judicial justification and comparative studies across jurisdictions to test the model beyond a single district court.

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A. Introduction

Unlicensed mining is a legal issue related to natural resource management, legal certainty, environmental protection, and justice for the community (Rohman et al., 2024b). Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia affirms the state's control over natural resources as the foundation for regulating mining activities. Criminal provisions in this area are regulated, among other things, in Law No. 3 of 2020 Amending Law No. 4 of 2009 on Mineral and Coal Mining (Republik Indonesia, 2020). In practice, the imposition of criminal penalties must take into account the nature of the act, the defendant's involvement, the fulfillment of the elements of the crime, and relevant circumstances (Rohman et al., 2024a). These aspects are crucial for assessing whether the imposed sanctions are commensurate with the nature of the crime and the perpetrator's liability.

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This issue is evident in nine rulings by the Mandailing Natal District Court regarding gold mining in Mandailing Natal Regency, North Sumatra. These rulings cover unauthorized mining as well as the storage and sale of minerals not originating from legitimate permit holders. The differences in the types of offenses require assessments based on the legal classification of the offenses and the relevant criminal provisions (Republik Indonesia, 2020). Furthermore, these rulings demonstrate variations in prison sentences and fines. According to Plesničar (2024), sentencing disparity refers to undesirable differences in punishment that lack justifiable grounds. This contrasts with sentencing consistency, which still allows for differences in punishment as long as they are based on legally and morally justifiable grounds, such as differences in the defendant's degree of culpability and the severity of the crime (Djatmika et al., 2025). Thus, the main issue is whether such variations in sanctions are supported by adequate judicial deliberation and reflect proportionality in sentencing.

Assessing this proportionality requires an analytical framework that links the characteristics of the criminal act, individual culpability, and the purposes of criminal punishment. Theories of punishment are used to assess the appropriateness of sanctions in relation to the characteristics of the act, while the individualization of punishment helps evaluate the relevance of the defendant's role, degree of fault, and individual circumstances in determining the severity of the sentence (Claessen, 2025; Vorapatr et al., 2023). The *fiqh jinayah* perspective complements this analysis through the principles of justice, public interest (*maslahah*), and the authority of *ulil amri* in establishing policies to protect the public interest (Irfan, 2016). Within this framework, the concept of *ta'zir* in *fiqh jinayah* is used to examine the punishment of acts for which no specific hudud or qishash sanctions are prescribed, taking into account legitimate authority and the perpetrator's accountability (Alotaibi, 2021). An assessment of proportionality must also take into account the seriousness of the act and its impact on society and the environment (Ali et al., 2021; Ali & Setiawan, 2022). These two legal perspectives are used complementarily without equating the normative foundations of Indonesian positive law with Islamic criminal law.

Previous research has addressed law enforcement regarding unlicensed mining, the proportionality of sanctions, and criminal penalties under Islamic law. Achmadi (2023) examined the application of the law in cases of unlicensed mining through Judgment No. 124/Pid.Sus/2021/PN.Tdn, while Melati and Panjaitan (2025) examined the enforcement of criminal law against illegal gold mining through Judgment No. 153/Pid.Sus/2023/PN.Mdl. From an institutional perspective, Parameswara et al. (2025) identify obstacles to law enforcement against illegal mining in South Sumatra, including limited capacity of law enforcement officials and inter-agency coordination. Rohman et al. (2024a) highlight the strengthening of regulations and law enforcement regarding illegal mining in relation to environmental protection and ecological justice. Meanwhile, Ali et al. (2021) discuss the proportionality of sanctions in environmental crimes based on the severity of the offense and its impact, while Alotaibi (2021) examines the application of Islamic criminal law, including the role of *ta'zir* in the determination of sanctions by judges or competent authorities.

These various studies provide a foundation for understanding the enforcement of mining laws and the proportionality of sanctions. However, this study focuses on a comparison of nine court rulings within a single court by examining the classification of criminal offenses, the role of the defendant, the judge's considerations, and variations in sanctions. The analysis first distinguishes between unauthorized mining and the possession or sale of minerals not originating from a legitimate permit holder, then assesses the adequacy of the judges' reasoning in imposing prison sentences and fines. The principles of justice, public interest, the authority of those in charge *(ulil amri)*, and the concept of *ta'zir* are used to evaluate the rationality of sentencing from the perspective of *fiqh jinayah*. This focus establishes the adequacy of justification as the primary criterion for assessing whether differences in sanctions are justifiable, rather than viewing every variation in punishment as a form of injustice.

Based on the above discussion, this study addresses two questions: (1) how are positive law and judicial discretion applied in imposing criminal penalties for cases of unauthorized mining and

related offenses, as reflected in nine decisions of the Mandailing Natal District Court; and (2) how is the proportionality of sentencing in these decisions assessed from the perspective of *fiqh jinayah*, particularly the principles of justice, public interest, and the concept of *jarimah ta'zir*? In line with these questions, this study aims to analyze the legal basis, the classification of offenses, and the judges' considerations in imposing criminal penalties, as well as to evaluate the proportionality of the penalties from the perspective of *fiqh jinayah*.

B. Methods

This study is a normative legal study employing legislative, case-based, and conceptual approaches (Marzuki, 2017). The case study examines nine decisions of the Mandailing Natal District Court: Decision Nos. 107/Pid.Sus/2021/PN Mdl, 59/Pid.Sus/2022/PN Mdl, 95/Pid.Sus/2022/PN Mdl, 94/Pid.Sus/2022/PN Mdl, 210/Pid.Sus/2022/PN Mdl, 153/Pid.Sus/2023/PN Mdl, 96/Pid.Sus/2022/PN Mdl, 87/Pid.Sus/2022/PN Mdl, and 86/Pid.Sus/2022/PN Mdl. These decisions were identified through a search of the Supreme Court's Judgment Directory (*Direktori Putusan Mahkamah Agung*) conducted on 16 September 2026, using the search terms "*pertambangan tanpa izin*" (unlicensed mining), "*pertambangan ilegal*" (illegal mining), and "*Pasal 158 Undang-Undang Minerba*" (Article 158 of the Mineral and Coal Mining Law), covering decisions issued between 2021 and 2023. The nine decisions were selected through purposive sampling based on their relevance to unauthorized mining offenses and the availability of sufficient factual and judicial information for comparative sentencing analysis. Accordingly, the selected decisions constitute a purposive sample rather than an asserted exhaustive population of all mining-related cases adjudicated by the court during the period.

Primary legal sources comprise the nine court decisions and Law No. 3 of 2020 Amending Law No. 4 of 2009 on Mineral and Coal Mining. Secondary legal materials consist of books, scientific journal articles, and academic publications addressing sentencing disparities, sentencing theory, and *fiqh jinayah*. Legal materials were collected through literature reviews and searches of official legal databases and relevant academic publications. Legal materials were analyzed qualitatively through legal interpretation and normative reasoning. Each decision was examined in terms of its legal basis, fulfillment of the elements of the offense, judicial considerations, the defendant's role, degree of fault, relevant case circumstances, and the type and severity of the sentence imposed.

To establish a consistent comparative framework, the decisions were assessed across four dimensions: (1) the defendant's role, determined by the nature and extent of involvement, contribution to the mining activity, and degree of control over its operation; (2) degree of fault, assessed through the defendant's awareness of the absence of required mining permits, intentional participation, and legally relevant mitigating circumstances; (3) case circumstances, examined through the scale of mining operations, type and quantity of extracted minerals, environmental consequences or potential harm, economic benefits, and aggravating or mitigating factors; and (4) sentencing outcomes, comprising the type of punishment, length of imprisonment, and amount of fine. Similarities and differences were identified by comparing these indicators across the decisions and examining whether variations in sentencing corresponded to differences in the underlying factual and legal circumstances. The findings were subsequently evaluated against the applicable principles of positive law and *fiqh jinayah*, particularly justice, public interest (*maslahah*), and *ta'zir*, to assess sentencing proportionality and the adequacy of judicial reasoning.

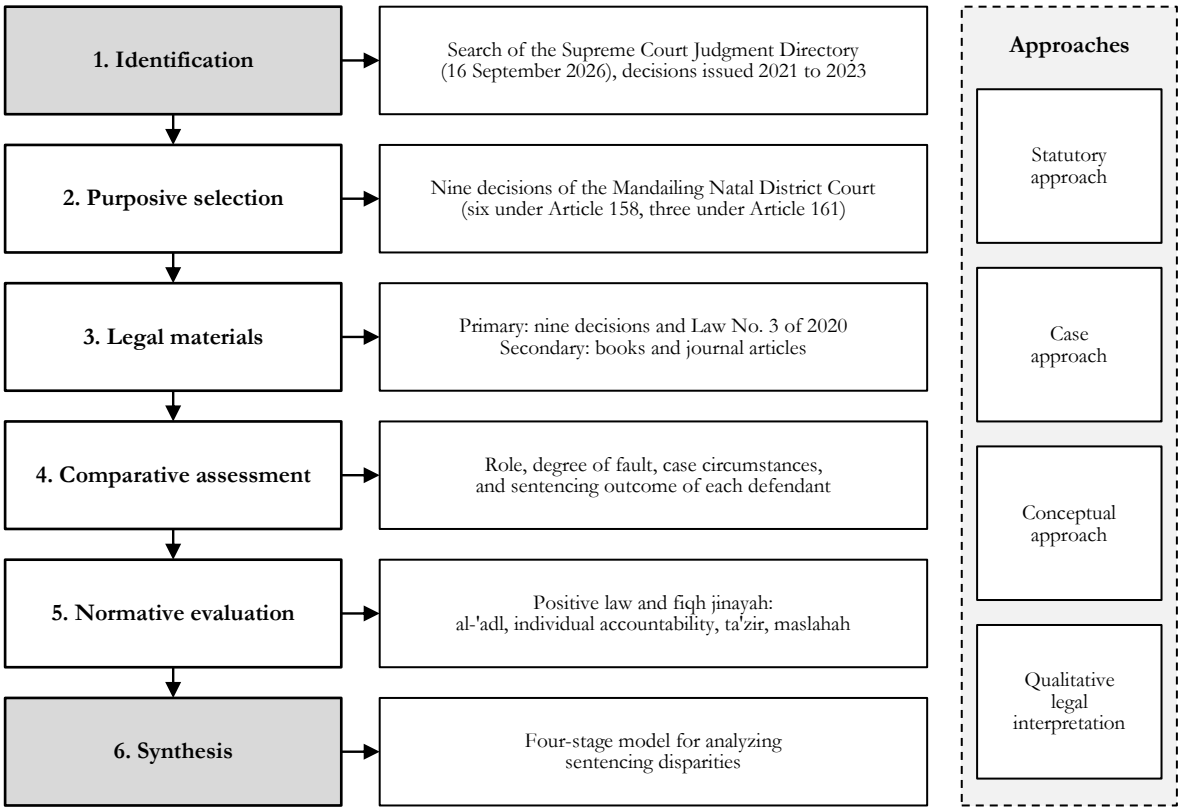

Figure 1. Research procedure
Source: Compiled by the authors.

Figure 1 summarizes the research procedure. The decisions were first identified in the Supreme Court Judgment Directory and then narrowed purposively to nine rulings, six under Article 158 and three under Article 161 of the Mineral and Coal Mining Law. Each ruling was read against the four comparative dimensions before the findings were evaluated through positive law and *fiqh jinayah*. The statutory, case, and conceptual approaches shown on the right operate across all stages, so that the four-stage model in the final step is derived from the decisions themselves rather than imposed on them.

C. Results

Classification of Criminal Offenses in the Decisions of the Mandailing Natal District Court

The nine decisions of the Mandailing Natal District Court that were the subject of this study cover two categories of criminal offenses in the mining sector: mining without a permit, as regulated in Article 158 of the Mineral and Coal Law; and the storage, utilization, processing, transportation, or sale of minerals not originating from a valid permit holder, as regulated in Article 161 of the Mineral and Coal Law. Both provisions relate to the management of mineral resources but regulate different acts. Article 158 concerns mining activities without a permit, while Article 161 targets acts involving minerals that do not originate from permit holders who comply with legal requirements (Republik Indonesia, 2020).

Based on these criteria, the nine decisions examined can be categorized as shown in Table 1 below.

Table 1. Classification of Criminal Offenses in the Mandailing Natal District Court Ruling

No.	Judgment Number	Elements of a Criminal Offense
1	107/Pid.Sus/2021/PN Mdl	The storage and sale of minerals not sourced from legitimate license holders
2	59/Pid.Sus/2022/PN Mdl	The storage and sale of minerals not sourced from legitimate license holders
3	95/Pid.Sus/2022/PN Mdl	Illegal mining
4	94/Pid.Sus/2022/PN Mdl	The storage and sale of minerals not sourced from legitimate license holders
5	210/Pid.Sus/2022/PN Mdl	Illegal mining
6	153/Pid.Sus/2023/PN Mdl	Illegal mining
7	96/Pid.Sus/2022/PN Mdl	Illegal mining
8	87/Pid.Sus/2022/PN Mdl	Illegal mining
9	86/Pid.Sus/2022/PN Mdl	Illegal mining

Table 1 shows that six rulings concerned unauthorized mining under Article 158, while the other three rulings concerned the storage or sale of minerals under Article 161 of the Mineral and Coal Law. In several cases, criminal liability was also linked to Article 55(1) of the Criminal Code (KUHP) regarding complicity. The application of these provisions requires an assessment of each defendant's contribution, as involvement in a series of criminal acts does not necessarily imply equal roles or degrees of culpability (Santoso, 2020).

Differences in the classification of offenses serve as the starting point for determining the comparability of cases in the analysis of sentencing disparities. Cases under Articles 158 and 161 of the Mineral and Coal Law cannot be directly compared simply because they both involve gold mining. Even in cases involving the same article, any comparison must still take into account the proven acts, the defendant's role, the degree of culpability, and relevant circumstances. Veiga et al. (2023) demonstrate that sentencing disparity can arise from differences in judges' assessments of aggravating and mitigating factors, including the degree of culpability and the resulting harm. Therefore, the fact that the same provisions are applied is not sufficient to conclude that two cases have the same level of comparability.

The Judge's Rationale in the Mandailing Natal District Court's Ruling

The judges' reasoning in the nine rulings examined concerns the establishment of the elements of the offense, the defendant's involvement, and the aggravating and mitigating circumstances. These aspects serve distinct functions in the adjudication process. The assessment of evidence determines whether the elements of the offense have been legally established and whether criminal liability can be imposed, whereas the examination of individual roles and circumstances informs the determination of an appropriate sentence. Distinguishing these functions is essential to evaluating whether differences in sanctions across the rulings are supported by legally relevant considerations. For clarity, defendants are identified by their initials and corresponding case numbers whenever necessary to distinguish individuals across separate proceedings.

1. Proving the Elements of a Criminal Offense and the Defendant's Role

In Decision No. 107/Pid.Sus/2021/PN Mdl, the court examined ATP's involvement in operational activities and S's role as the owner or party providing capital and determining prices. The involvement of both defendants was assessed under the provisions on complicity in Article 55(1) of the Criminal Code (Mahkamah Agung, 2021). This case demonstrates that participation in an offense may extend beyond direct involvement in mining operations to include contributions such as financing and organizing the activity. Nevertheless, the application of complicity provisions does not eliminate the need to distinguish the nature and extent of each defendant's contribution. The operational involvement of one defendant and the provision of capital or control by another may establish different forms of participation, but their respective implications for sentencing must

be assessed through individual culpability and the judicial considerations underlying the sanctions imposed.

The evidentiary dimension is also apparent in Decision No. 59/Pid.Sus/2022/PN Mdl. Witness testimony concerning the handover of mining proceeds was an important consideration in establishing AAN's involvement, although the defendant was not present at the mining site during the raid and no gold was recovered as physical evidence (Mahkamah Agung, 2022b). Neither circumstance automatically negates criminal liability, provided that the elements of the offense can be established through sufficient and legally admissible evidence. The court's assessment must therefore consider the evidentiary relationship between the defendant's conduct, the mining activity, and the minerals involved. This case illustrates the distinction between establishing criminal liability and determining the appropriate punishment: evidentiary sufficiency concerns whether the defendant can be held responsible, whereas sentencing requires a further assessment of the defendant's individual conduct and degree of culpability.

A different legal issue arises in Decision No. 94/Pid.Sus/2022/PN Mdl, in which AL was found to have known that the gold he purchased and resold originated from mining activities that did not comply with licensing requirements (Mahkamah Agung, 2022e). Such knowledge is relevant to assessing the defendant's involvement in the conduct prohibited under Article 161 of the Mineral and Coal Mining Law. Unlike Article 158, which criminalizes mining activities conducted without the required permit, Article 161 addresses activities involving the transportation, processing, refining, or sale of minerals that do not originate from valid mining permits or authorized sources (Republik Indonesia, 2020). This distinction must be taken into account to ensure that the assessment of the defendant's role and culpability aligns with the nature of the offense.

Decision No. 95/Pid.Sus/2022/PN Mdl concerns JP's involvement in gold mining on land owned by him in Bandar Limabung Village, Lingga Bayu Subdistrict. The court established that JP had conducted mining activities since 2021 by employing four workers and providing equipment, including a diesel engine, pipes, hoses, carpets, and other mining tools. The extracted gold was subsequently sold, with the proceeds distributed among the parties involved according to an agreed profit-sharing arrangement. The court also considered a landslide that occurred at the mining site on 28 April 2022 and resulted in the deaths of 12 women. However, the defendant was not at the site when the incident occurred and only learned about it afterward. The court did not establish criminal liability for the fatalities in this proceeding, which concerned unauthorized mining under Article 158 of the Mineral and Coal Mining Law (Mahkamah Agung, 2022f).

Significantly, the deaths were not identified as an aggravating circumstance in determining the sentence. Instead, the aggravating factor expressly considered was that the defendant's conduct did not support the government's efforts to eradicate unauthorized mining. The mitigating circumstances included the defendant's lack of prior convictions, admission and remorse, and responsibility for supporting his wife and five children. The court consequently imposed six months' imprisonment and a fine of Rp100 million (Mahkamah Agung, 2022f). This distinction is important because the existence of serious consequences at a mining site does not automatically establish an individual defendant's criminal responsibility for those consequences or justify a harsher sentence without corresponding findings and legal grounds.

Decision No. 210/Pid.Sus/2022/PN Mdl presents a different factual context, as the mining activities conducted by Z were reported to have lasted approximately two days and had not yet produced any gold (Mahkamah Agung, 2022a). The absence of mining output does not automatically preclude criminal liability if the statutory elements of the offense have been fulfilled. Nevertheless, the relatively short duration of the activity and the absence of extracted minerals may be relevant to assessing the intensity of the conduct, the extent of the defendant's involvement, and the proportionality of the punishment. These circumstances should not independently determine the sentence but should be considered alongside the defendant's degree of fault and other legally relevant factors.

In Decision No. 153/Pid.Sus/2023/PN Mdl, the defendant's involvement in mining activities included arrangements with other parties through the procurement of equipment and

profit-sharing agreements (Mahkamah Agung, 2023). This indicates that participation in unauthorized mining may involve organizational and economic contributions beyond direct physical involvement at the mining site. The court's consideration of the local practice of gold mining as a customary economic activity also provides relevant social context. However, the prevalence of such practices does not remove the legal obligation to obtain the required mining permits. Rather, the social and economic context may help explain the circumstances surrounding the defendant's conduct, while its relevance to sentencing must remain grounded in the proven facts and the defendant's individual responsibility.

Decisions No. 86/Pid.Sus/2022/PN Mdl, No. 87/Pid.Sus/2022/PN Mdl, and No. 96/Pid.Sus/2022/PN Mdl concern mining activities in the Pulo Padang area, Simpang Durian Village, Lingga Bayu Subdistrict. Across these cases, AA was associated with managing on-site operations, R with providing the land and receiving a share of the proceeds, and A with operating heavy equipment (Mahkamah Agung, 2022c, 2022g, 2022d). These differences in contributions are relevant to assessing each defendant's individual involvement. The relationship between participation and sentencing proportionality is particularly important in unauthorized mining cases, where different forms of involvement may reflect different levels of culpability (Revaldo et al., 2026). However, their significance for sentencing proportionality must be established by examining how the judges evaluated each defendant's role and translated those assessments into the sanctions imposed, rather than inferring differences in culpability solely from the division of tasks. This approach is consistent with the principle of individualized sentencing. As Rebhi et al. (2026) explain, differential *'uqubat* may constitute legitimate individualized sentencing when supported by relevant, objective, proportionate, and legally defensible grounds.

Overall, the nine rulings demonstrate that criminal liability and sentencing proportionality require separate but interconnected assessments. The establishment of the offense determines whether a defendant may be held criminally responsible, while the nature of the defendant's participation, degree of fault, and relevant circumstances provide the basis for individualizing the punishment. The cases reveal substantial differences in the forms of involvement, including operational management, financing, land provision, equipment operation, and the purchase or sale of minerals. These differences are meaningful for comparative sentencing only when connected to the judges' actual considerations and the sanctions imposed. Accordingly, the existence of complicity or participation in the same mining activity should not automatically result in equivalent punishment, as proportionality requires the sentence to reflect each defendant's proven contribution and individual culpability.

2. Aggravating and Mitigating Circumstances in Criminal Cases

In addition to the evidence and the defendant's role, aggravating and mitigating circumstances are important factors in determining the severity of a sentence. In the case under review, aggravating factors include, among others, conduct deemed to undermine efforts to combat illegal mining and the potential impact on the environment. Mitigating factors, on the other hand, include the defendant's lack of prior convictions, a cooperative attitude or expression of remorse, family responsibilities, health conditions, and the absence of mining proceeds. The relevance of each factor must be examined based on the specific considerations set forth by the judge in each respective ruling.

Aggravating and mitigating factors do not automatically carry the same weight in every case. A lack of prior convictions, for example, may be considered a personal circumstance of the defendant, but does not in and of itself require the imposition of a lenient sentence. Similarly, potential environmental damage must be distinguished from actual damage that has been proven and can be linked to the defendant's actions. This distinction is important so that aggravating factors are not based on mere assumptions of impact, while mitigating factors are not applied mechanically without considering the characteristics of the criminal offense. Belton and Dhami (2024) point out that mitigating factors related to the defendant's personal character, such as remorse and good character, are central to a judge's assessment in determining the sentence. This reinforces the importance of evaluating mitigating factors contextually, rather than mechanically.

In Judgment No. 210/Pid.Sus/2022/PN Mdl, Z's health condition and the fact that the mining activities had not yet yielded any gold are aspects that may be considered in relation to sentencing (Mahkamah Agung, 2022a). These two circumstances are distinct in nature: the defendant's health condition relates to the defendant's individual circumstances, whereas the lack of mining output relates to the commission of the act itself. The relevance of both must be assessed based on the judge's discretion, without assuming that either one automatically warrants a reduction in the sentence. In other cases, family responsibilities and a cooperative attitude must also be evaluated in conjunction with the defendant's role and degree of culpability if these factors are indeed considered in the ruling. As research by Belton and Dhami (2024) indicates, personal factors, such as remorse and good character, can influence sentencing determinations, but their application must be consistent and principled.

Economic reasons and community customs related to mining must be weighed appropriately. Both can explain the social context of an act, but they do not automatically negate its unlawful nature or criminal liability. Poama (2025) discusses the relevance of poverty in the moral assessment of criminal acts and their punishment, suggesting that economic context should be considered without being used as an automatic justification for criminal acts. Such considerations must still be linked to concrete facts, the degree of the defendant's culpability, and the objectives of punishment. Research on mining in Indonesia indicates that community-based mining practices are closely linked to social conditions, informal norms, and interactions between communities and state institutions (Rahayu et al., 2024; Sununianti et al., 2024). However, these social considerations do not in and of themselves supersede the obligation to comply with mining permit requirements as stipulated by law.

Based on this analysis, the judges' reasoning in the nine rulings can be examined through three dimensions: the proof of the elements of the criminal offense, the assessment of the defendant's individual role, and the application of aggravating and mitigating circumstances. These three dimensions form the basis for evaluating the adequacy of the reasoning behind the variation in sentences. The similarity of statutory provisions does not automatically indicate a similar degree of culpability, while differences in the defendant's role or circumstances do not in and of themselves justify differences in sentencing. Veiga et al. (2023) identify differences in the assessment of aggravating and mitigating factors as one mechanism that can contribute to sentencing disparities. Assessing sentencing disparity therefore requires further examination of the comparability of cases, the severity of the imposed sanctions, and the adequacy of the judge's justification as reflected in the ruling.

An Analysis of Disparities in Sentencing from the Perspective of Positive Law

Sentencing disparity refers to differences in the sentences imposed in cases that share relevant similarities. Such differences do not necessarily indicate injustice, as an assessment of sentencing consistency must take into account the characteristics of the cases and relevant factors in the imposition of penalties (Veiga et al., 2023). Issues arise when sentencing disparities in materially comparable cases are not accompanied by adequate justification. To assess this issue, nine decisions of the Mandailing Natal District Court were compared, taking into account the classification of criminal offenses under Articles 158 and 161 of the Mineral and Coal Law, the characteristics of the acts, the defendants' liability, and the types of penalties imposed.

Table 2. Sentences Imposed in the Nine Mandailing Natal District Court Decisions

No.	Case Number	Imprisonment	Criminal Fine	Imprisonment in Lieu of a Fine
1	107/Pid.Sus/2021/PN Mdl	5 months for each defendant	Rp50 million per defendant	1 month
2	59/Pid.Sus/2022/PN Mdl	8 months	Rp15 million	3 months
3	95/Pid.Sus/2022/PN Mdl	6 months	Rp100 million	1 month
4	94/Pid.Sus/2022/PN Mdl	6 months	Rp100 million	1 month

5	210/Pid.Sus/2022/PN Mdl	1 month 15 days	Rp1 million	1 month
6	153/Pid.Sus/2023/PN Mdl	10 months	Rp100 million	1 month
7	96/Pid.Sus/2022/PN Mdl	10 months	Rp1 million	1 month
8	87/Pid.Sus/2022/PN Mdl	10 months	Rp1 million	1 month
9	86/Pid.Sus/2022/PN Mdl	10 months	Rp1 million	1 month

Table 2 shows the range of sentences in both case groups. In the six rulings related to Article 158, prison terms ranged from one month and fifteen days to ten months, with fines ranging from Rp1 million to Rp100 million. Meanwhile, the three rulings related to Article 161 imposed prison terms ranging from five to eight months, with fines ranging from Rp15 million to Rp100 million. This range indicates differences in sentencing but does not yet prove the existence of unjustified disparities. Further assessment must take into account the comparability of the cases, the role of the defendant, the degree of fault, and the judges' reasoning in determining each type of sentence.

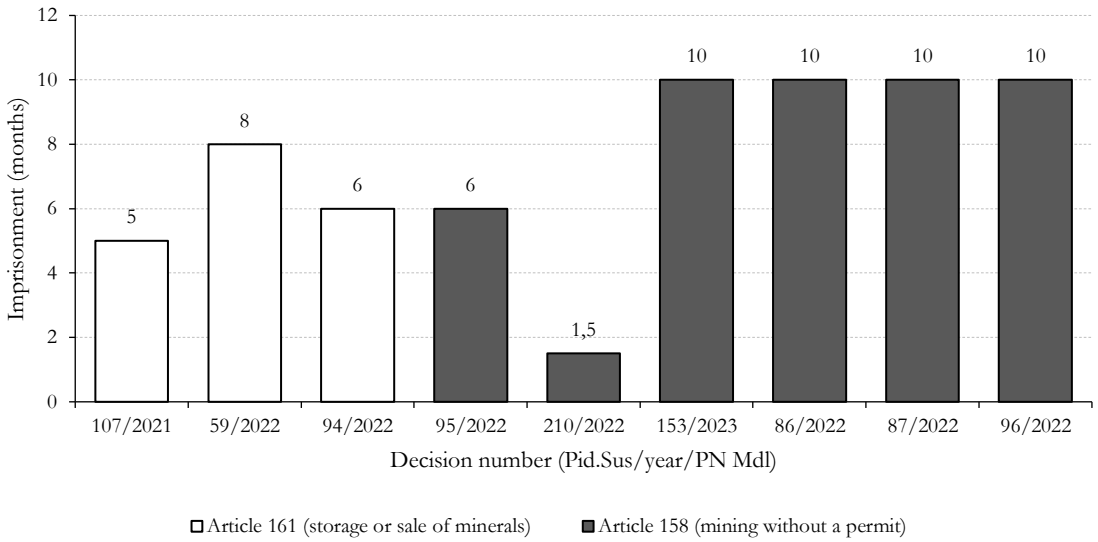

Figure 2. Imprisonment terms in the nine decisions (months)
Source: Compiled from the nine decisions in Table 2.

Figure 2 shows that the longest term of ten months was imposed in four of the six Article 158 decisions, while the shortest term of one month and fifteen days was imposed in Decision No. 210/Pid.Sus/2022/PN Mdl under the same article. The three Article 161 decisions fall in a narrower band of five to eight months. The figure therefore makes visible two patterns that the following analysis examines: a wide spread of sentences within the same statutory offense, and a cluster of identical ten-month sentences imposed on defendants who played different roles.

In the context of Article 158, a comparison of Judgment No. 95/Pid.Sus/2022/PN Mdl and No. 153/Pid.Sus/2023/PN Mdl reveals a discrepancy in prison sentences, even though both imposed a fine of 100 million rupiah. JP was sentenced to six months' imprisonment, while S was sentenced to ten months (Mahkamah Agung, 2022f, 2023). This four-month discrepancy warrants examination, especially if both defendants had similar mitigating circumstances, such as having no prior convictions and demonstrating a cooperative attitude. However, the presence of similar mitigating factors does not in and of itself prove that the sentences should be the same. A comparison must take into account the defendant's role, the intensity of the activity, the benefits gained, aggravating circumstances, and the judge's reasoning explaining the difference in sentencing. Without such an examination, a discrepancy in sentencing merely reflects variation in sanctions, not, in and of itself, disproportionality.

A more significant discrepancy is evident between Judgment No. 210/Pid.Sus/2022/PN Mdl and Judgments No. 86/Pid.Sus/2022/PN Mdl, No. 87/Pid.Sus/2022/PN Mdl, and No.

96/Pid.Sus/2022/PN Mdl. Z was sentenced to one month and fifteen days in prison and a fine of 1 million rupiah, while AA, R, and A were each sentenced to ten months in prison and the same fine. In Z's case, the mining activities reportedly lasted about two days and had not yet yielded any gold (Mahkamah Agung, 2022a, 2022c, 2022d, 2022g). These circumstances may be relevant in assessing the intensity of the act and the severity of the punishment, but they do not automatically negate liability for the proven offense. Conversely, the similarity in the criminal penalties imposed on AA, R, and A must be examined by taking into account the differences in their roles as activity managers, land providers or recipients of a share of the proceeds, and heavy equipment operators. Whether the difference in penalties between Z and these three defendants is justified can only be assessed after the characteristics of the cases and the judges' considerations have been comprehensively compared.

In the cases under Article 161, namely Judgment No. 107/Pid.Sus/2021/PN Mdl, No. 59/Pid.Sus/2022/PN Mdl, and No. 94/Pid.Sus/2022/PN Mdl, there were also variations in prison sentences and fines. ATP and S were each sentenced to five months' imprisonment and a fine of Rp50 million; AAN was sentenced to eight months' imprisonment and a fine of Rp15 million; while AL was sentenced to six months' imprisonment and a fine of Rp100 million (Mahkamah Agung, 2021, 2022b, 2022e). This pattern indicates that longer prison sentences are not always accompanied by higher fines. This does not automatically indicate inconsistency, as the two types of penalties may take different factors into account. Nevertheless, these variations need to be examined in light of the defendants' knowledge regarding the origin of the minerals, the nature and scale of the transactions, the profits obtained, and economic circumstances, assuming these factors were indeed considered by the judges.

From a positive law perspective, Articles 158 and 161 of the Mineral and Coal Law, as in effect at the time of the acts examined in those rulings, provided for a maximum prison sentence of five years and a maximum fine of Rp100 billion (Republik Indonesia, 2020). These penalties serve as normative limits for sentencing, not as provisions requiring all defendants to receive identical sanctions. Sentencing must still take into account the specific acts and culpability of each defendant and be supported by adequate reasoning. Furthermore, imprisonment in lieu of a fine must be distinguished from the principal prison sentence, as the two hold different statuses in the judgment. Therefore, the comparison in this study focuses on prison sentences and fines, while still noting imprisonment in lieu of a fine as part of the overall sanctions imposed.

Based on this comparison, variations in sentencing were found in cases related to both Article 158 and Article 161 of the Mineral and Coal Law. Differences in sentencing do not in and of themselves indicate injustice, as consistency in sentencing still allows for adjustments to penalties based on the degree of the defendant's culpability and the characteristics of the criminal offense. Conversely, disparity becomes an issue when differences in sanctions in comparable cases cannot be explained by relevant factors (Plesničar, 2024). Therefore, an evaluation of these nine rulings must take into account the material comparability of the cases, the defendant's role and degree of culpability, and the adequacy of the judge's reasoning. This analysis serves as the basis for assessing the proportionality of sentencing under positive law before further examination through the principles of justice, individual accountability, and the public interest from the perspective of *fiqh jinayah*.

D. Discussion

An Analysis of Disparities in Sentencing from the Perspective of *Fiqh Jinayah*

From the perspective of *fiqh jinayah*, sentencing must adhere to the principles of justice, individual accountability, and the public interest. These three principles are interrelated: justice demands proportionality between the punishment and the offender's offense; individual accountability requires an assessment of each defendant's role; and the public interest directs sentencing toward the protection of society and the prevention of harm. These principles are relevant for evaluating nine decisions by the Mandailing Natal District Court that demonstrate variations in sentencing in criminal mining cases. In this study, *fiqh jinayah* is used as a normative

evaluation framework that complements positive law analysis, not as a substitute for applicable legal provisions. Any assessment of these disparities must take into account the material comparability of the cases, the degree of the defendant's fault, relevant circumstances, and the adequacy of the judge's reasoning.

1. The Principles of Justice and Individual Accountability in Criminal Punishment

The principle of justice (*al-'adl*) in Islamic law requires that decisions be based on fair considerations and not be arbitrary. Surah an-Nahl, verse 90, commands the upholding of justice, while Qur'an Surah al-An'am, verse 164, affirms that no one bears the sin of another (Rosadi et al., 2021). Both of these principles are relevant to sentencing because the severity of a sanction must be linked to the offender's actions and responsibility, not merely to their involvement in a criminal act. In the theory of proportionality, a proportional punishment must correspond to the seriousness of the criminal offense, while the offender's degree of responsibility is a crucial factor in assessing the appropriateness of the sanction (Ali & Setiawan, 2022; Duus-Otterström, 2021). In cases involving multiple individuals, the similarity in the type of criminal offense does not automatically imply an equal degree of culpability. Differences in roles, contributions to the commission of the act, the intensity of involvement, and individual circumstances must be assessed before the appropriateness of the punishment can be determined (Santoso, 2020).

This principle can be applied to evaluate Decisions No. 86/Pid.Sus/2022/PN Mdl, No. 87/Pid.Sus/2022/PN Mdl, and No. 96/Pid.Sus/2022/PN Mdl. AA, R, and A were each sentenced to ten months' imprisonment and a fine of Rp1 million, despite having different roles as site manager, land provider and recipient of a share of the proceeds, and heavy equipment operator, respectively (Mahkamah Agung, 2022c, 2022d, 2022g). In the author's assessment, these differences are materially relevant to determining the proportionality of their respective sentences. AA's managerial role potentially involved greater operational control, R's contribution involved facilitating access to the land and obtaining economic benefits, while A's involvement consisted of operating the equipment used in the mining activity. Although all three contributed to the offense, their respective contributions do not automatically demonstrate an equivalent degree of culpability. Accordingly, the imposition of identical sentences cannot be considered sufficiently justified solely on the basis of their participation in the same criminal activity. A more convincing justification would require the judges to explain whether their knowledge, degree of control, intentional involvement, and economic benefits were sufficiently comparable to warrant equal punishment. From the perspective of *al-'adl*, equal sanctions are defensible only when they reflect a reasonably equivalent degree of individual responsibility, rather than merely the same statutory classification (Ali & Setiawan, 2022; Nur, 2021).

The principle of individual accountability provides a further normative basis for evaluating the fairness of judicial reasoning. From the perspective of *fiqh jinayah*, the requirement of *al-'adl* goes beyond the formal consistency of legal application and demands that punishment reflect each offender's actual responsibility. This is reinforced by the Qur'anic principle that no person bears the burden of another's wrongdoing (Qur'an 6:164). Accordingly, the public interest in suppressing unauthorized mining cannot, by itself, justify treating all participants as equally culpable. In the cases of AA, R, and A, this principle requires the assessment of whether their respective managerial, land-provision, and operational contributions reflect comparable levels of responsibility, rather than assuming that participation in the same offense warrants identical punishment. This constitutes an additional evaluative dimension of *fiqh jinayah*: sentencing must not only respond to the harm associated with the criminal activity but also preserve the moral boundary of individual responsibility. Watamura et al. (2022), similarly explain that sentencing may pursue multiple objectives, including retribution, deterrence, and rehabilitation, whose relative significance depends on the characteristics of the case. Thus, the fairness of sentencing under *fiqh jinayah* must be evaluated through both the correspondence between punishment and individual culpability and the legitimacy of its broader punitive objectives.

2. *Ta'zir* and the Scope of Discretion in Determining Penalties

In *fiqh jinayah*, *ta'zir* provides a discretionary framework for imposing punishment based on the nature of the offense, the offender's responsibility, and the interests that require protection. Its purposes include educating the offender, preventing recidivism, upholding justice, and maintaining public order (Djalaluddin et al., 2023). These objectives overlap with secular sentencing purposes, particularly rehabilitation, deterrence, and retribution (Watamura et al., 2022). However, *ta'zir* is not merely an Islamic equivalent of these purposes. It also requires the exercise of punitive discretion to be justified by *maslahah* and constrained by *al-'adl*, so that the pursuit of public order does not override the offender's individual responsibility. This distinction is relevant to mining cases in which several individuals participate in the same unlawful activity but perform different roles. For example, in Decisions No. 86/Pid.Sus/2022/PN Mdl, No. 87/Pid.Sus/2022/PN Mdl, and No. 96/Pid.Sus/2022/PN Mdl, AA, R, and A received identical sentences despite their different contributions as site manager, land provider, and equipment operator. A secular individualization approach also requires consideration of differences between offenders; however, the *ta'zir* framework additionally asks whether imposing the same punishment on individuals with potentially different levels of responsibility is consistent with justice and the public interest that punishment is intended to serve. Thus, the principle of the individuality of punishment in *ta'zir* is not simply a different label for secular sentencing individualization. It places the exercise of judicial discretion within an ethical and normative obligation to balance individual responsibility, the legitimacy of punishment, and *maslahah*.

Although it grants discretion to the competent authorities, *ta'zir* cannot be interpreted as the authority to impose punishment arbitrarily. The determination of sanctions must be based on considerations relevant to the offender's actions and circumstances (Alotaibi, 2021; Irfan, 2016). Watamura et al. (2022) note that sentencing decisions can be shaped by various considerations, such as retribution, deterrence, and rehabilitation. Meanwhile, Vorapatr et al. (2023) emphasize the importance of individualizing punishment by considering the facts of the case so that the sanctions imposed are appropriate to the offender's circumstances. Both studies support the view that the scope of discretion in *ta'zir* must be exercised responsibly, taking into account the degree of fault and the reasons underlying the determination of the penalty.

In this study, *ta'zir* is used as an analytical framework to examine the proportionality of sentencing, not to automatically classify mining-related criminal offenses as *jarimah ta'zir* in all aspects of their classification. This framework is used to assess three aspects: the proportionality of the sanction to the degree of fault, consideration of the defendant's individual circumstances, and the rationality of the judge's reasoning in determining the sentence. Based on this framework, differences in sentencing do not necessarily indicate a deviation, just as similarities in sentencing do not automatically prove fairness. Differences can be justified if they are based on relevant circumstances, whereas similarities in sentencing require further review if there are material differences in the defendants' roles and degrees of fault. This assessment aligns with the concept of relative proportionality, namely that comparisons of sentences across cases must consider whether differences in sanctions can be justified by relevant differences between the offenders or their criminal acts (Ali & Setiawan, 2022).

This approach can be applied to compare Decision No. 95/Pid.Sus/2022/PN Mdl concerning JP and Decision No. 153/Pid.Sus/2023/PN Mdl concerning S. JP was sentenced to six months' imprisonment and a fine of Rp100 million, whereas S received ten months' imprisonment and the same amount of fine (Mahkamah Agung, 2022f, 2023). The four-month difference in imprisonment warrants substantive justification, particularly because the decisions contain similarities in the mitigating circumstances considered by the judges. In the author's assessment, based on the circumstances and judicial reasoning presented in this study, the difference is not sufficiently justified. This does not necessarily mean that both defendants should have received identical sentences, since differences in their respective roles, degrees of culpability, or other relevant circumstances could justify different penalties. However, such differences must be identified and explained in the judicial reasoning. From the perspective of *ta'zir*, a sentencing disparity is defensible only when it reflects a relevant difference in individual responsibility or serves a legitimate interest

grounded in *maslahah*. Without such an explanation, the longer imprisonment imposed on S raises concerns about the proportionality and consistency of the punishment.

A similar analysis can be applied to Judgment No. 210/Pid.Sus/2022/PN Mdl, which sentenced Z to one month and fifteen days in prison and a fine of 1 million rupiah, as well as Judgments No. 86/Pid.Sus/2022/PN Mdl, No. 87/Pid.Sus/2022/PN Mdl, and No. 96/Pid.Sus/2022/PN Mdl, which each imposed a prison sentence of ten months and a fine of Rp1 million on AA, R, and A (Mahkamah Agung, 2022a, 2022c, 2022g, 2022d). The fact that Z's mining activities lasted approximately two days and had not yet yielded any gold is relevant to assessing the intensity of the act and the severity of the punishment (Mahkamah Agung, 2022a). However, this circumstance does not in and of itself negate criminal liability if the elements of the crime have been proven. On the other hand, the imposition of harsher penalties on AA, R, and A must be assessed based on their respective roles, degrees of fault, and the specific circumstances underlying each individual's sentencing (Mahkamah Agung, 2022c, 2022g, 2022d). This comparison must be conducted carefully because the fact that the fines are the same does not mean that the degree of fault, contribution, and circumstances of each defendant are also the same. The principle of proportionality requires that the severity of the sanction be determined based on the seriousness of the act and the offender's fault, not solely on the basis of a single, isolated factor (Ali & Setiawan, 2022).

From the perspective of *ta'zir*, this comparison shows that the proportionality of a penalty cannot be determined solely based on the duration of the activity or the success in obtaining mining yields. The assessment must also take into account the nature of the act, the defendant's contribution, the degree of fault, and the judge's reasoning in determining the sanction (Irfan, 2016). As discussed by Ali and Setiawan (2022), assessing proportionality requires a rational standard, even though its application is not always straightforward. Therefore, a conclusion regarding disproportionate disparity can only be drawn after the material proportionality of the case and the adequacy of the sentencing considerations have been examined. This framework emphasizes that the discretion in determining sanctions must be exercised responsibly, with reasoning that can be tested based on the facts of the case and principles of justice.

3. *Maslahah* and *Maqasid al-Shari'ah* in the Protection of Natural Resources

The relationship between public interest and the objectives of Sharia can be examined through the framework of *maqasid al-shari'ah*. Al-Shatibi explains that the purposes of Sharia are directed towards preserving human welfare through the protection of essential interests (*al-daruriyyat*), which include religion, life, intellect, progeny, and property (Al-Shatibi, 1997). This framework establishes that legal measures should prevent harm and preserve the conditions necessary for individual and collective welfare. In the context of criminal law, Ibn Taymiyyah's discussion of *siyasah shar'iyyah* further provides a basis for the exercise of discretionary authority to address prohibited conduct and protect public interests (Ibn Taymiyyah, 1983). Accordingly, the punishment of unauthorized mining may be examined not only as a response to a statutory violation but also as an instrument for protecting life, property, and the interests of the community.

Although *maqasid al-shari'ah* encompasses five essential interests, this study focuses on *hifẓ al-nafs* (protection of life) and *hifẓ al-mal* (protection of property) because they are most directly connected to the consequences of unauthorized mining examined in the nine judgments (Auda, 2008). The relevance of *hifẓ al-nafs* is illustrated by Decision No. 95/Pid.Sus/2022/PN Mdl, which refers to a landslide associated with the mining activity. This fact demonstrates that the assessment of mining offenses cannot be confined to the unauthorized extraction of minerals, since such activities may also create risks to the safety of workers and surrounding communities. However, the landslide should be understood as evidence of a safety-related hazard, not as proof of casualties unless such consequences are expressly established in the judgment. Meanwhile, *hifẓ al-mal* concerns the protection of mineral resources, land, and the economic interests potentially affected by unauthorized exploitation. These two objectives therefore provide a more case-specific basis for assessing the public interests involved in the offenses. The other essential interests remain part of

the broader *maqasid* framework, but the judgments examined do not provide sufficient factual grounds to make the protection of religion, intellect, or progeny the principal focus of this analysis.

The analytical implication is that criminal prosecution may take into account the impact or risks of mining activities on safety, property, and the environment if there is a relevant factual basis. The use of the concept of public interest to assess the public good must still take into account proven facts and the principle of individual accountability (Nasrullah et al., 2025). Public interest cannot be used as a general justification for imposing harsher penalties simply because a criminal act occurred in the mining sector (Silviana et al., 2025). Judges must explain the relationship between the defendant's actions, the proven consequences or risks, and the legal interests to be protected. For example, in cases involving landslides that result in loss of life, the occurrence of such consequences cannot automatically be attributed to the defendant as a basis for aggravating the sentence. The imposition of liability must be based on sufficient evidence regarding the causal link between the act and the consequence, the form of fault or the applicable basis for liability, as well as the relevant legal provisions (Ali et al., 2022; Wibisana et al., 2021). This distinction is important to ensure that the protection of the public interest remains consistent with the principle of individual liability, as affirmed in the Qur'an Surah al-An'am, verse 164 (Nur, 2021).

The public interest must also be understood in a balanced manner. Penalties that are too lenient without adequate justification have the potential to undermine the deterrent effect and weaken compliance with mining regulations, while penalties that are too severe, without taking into account the degree of fault and individual circumstances, may disregard the principles of justice and proportionality (Ali & Setiawan, 2022; Watamura et al., 2022). A focus on the public interest is not synonymous with a demand to always impose harsher penalties; in the context of criminal punishment, the public interest requires that criminal penalties protect the interests of society while also ensuring that the severity of the penalty is proportionate to the offender's offense. The protection of public interests through punishment must therefore be balanced against the offender's individual responsibility, ensuring that the severity of the penalty remains proportionate to the offense and its circumstances (Ali & Setiawan, 2022). In the context of the nine decisions examined, this principle serves as the basis for assessing whether circumstances related to impact, risk, or the public interest were in fact considered in a relevant and consistent manner.

A Model for Analyzing Disparities in Sentencing Based on *Fiqh Jinayah*

Based on the principles of justice, individual accountability, *ta'zir*, *maslahah*, and *maqasid al-shari'ah*, this study formulates a four-stage model for analyzing sentencing disparities. Existing approaches provide relevant foundations for this formulation. Vorapatr et al. (2023), for example, emphasize the individualization of punishment by examining facts surrounding both the offense and the offender, while Ali and Setiawan (2022) assess penal proportionality through the relationship between offense seriousness and the offender's culpability. However, the literature reviewed in this study does not provide a comparable operational framework that integrates these considerations with the principles of *fiqh jinayah* to evaluate sentencing consistency across judicial decisions. The proposed model therefore represents the author's synthesis, rather than a fixed formula directly formulated by classical Muslim jurists. Its contribution lies in translating the principles of *fiqh jinayah* into four analytical stages for examining whether similarities or differences in sentencing have a rational basis, reflect individual responsibility, and serve legitimate public interests.

Table 3. A Model for Analyzing Disparities in Sentencing Based on *Fiqh Jinayah*

Stage	Focus of the Analysis	Assessment Questions	Implication for the Assessment
Criminal offenses and liability	Elements of the offense and the defendant's role	Have the acts and involvement of each defendant been sufficiently proven?	If not, the comparison of sentences cannot proceed without clarifying the basis of individual criminal

			liability.
Assessment of individual circumstances	Degree of fault, roles, benefits, and aggravating and mitigating circumstances	Have the relevant circumstances been assessed individually and consistently?	If not, the assessment indicates a potential failure to individualize punishment.
Proportionality and the public interest	Correspondence between the offense, culpability, severity of punishment, and protection of public interests	Is the severity of the penalty supported by the seriousness of the offense, individual culpability, and legitimate public interests?	If not, the proportionality and justification of the sanction are called into question.
Consistency among rulings	Comparison of materially comparable cases and adequacy of judicial reasoning	Are similarities or differences in the sentences adequately explained by the judges?	If not, the sentencing difference or similarity constitutes an unexplained disparity requiring further scrutiny.

The model establishes material comparability as a prerequisite for determining whether differences in sentencing constitute problematic disparities. The assessment begins by examining the classification of the offense and each defendant's criminal liability, followed by an evaluation of individual circumstances, including the degree of fault, role, benefits, and relevant aggravating and mitigating factors. The third stage examines whether the severity of the sanction is proportionate to the offense and individual culpability while serving legitimate public interests, in accordance with the principles of *ta'zir* and *maslahah*. The final stage compares materially relevant rulings and assesses whether the judges have adequately explained the similarities or differences in the sentences. A negative finding at any stage does not automatically establish injustice; rather, it identifies the specific weakness requiring further examination. Through this process, the model moves beyond comparing sentencing figures and evaluates the relationship between criminal liability, individual responsibility, proportionality, and the protective objectives of punishment.

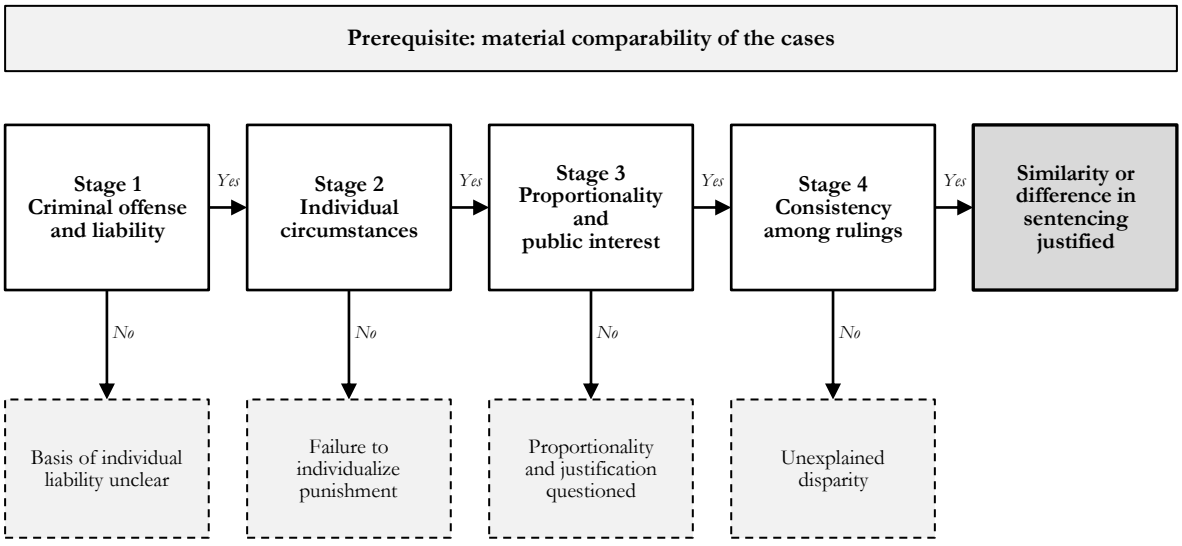

Figure 3. Flow of the four-stage model for analyzing sentencing disparities
Source: Developed by the authors.

Figure 3 presents the model as a sequence of questions. Each stage is passed only when the answer is affirmative; a negative answer leads to a specific weakness rather than to a general finding of injustice. The prerequisite of material comparability sits above all four stages, which explains why the comparison between JP and S can proceed while a comparison between an Article 158 case and an Article 161 case cannot be made on the same terms. Only when all four stages are satisfied can a similarity or difference in sentencing be regarded as justified.

The application of the model can be demonstrated by comparing Decision No. 95/Pid.Sus/2022/PN Mdl concerning JP and Decision No. 153/Pid.Sus/2023/PN Mdl concerning S. Both defendants were convicted under Article 158 of the Mineral and Coal Mining Law. However, JP received six months' imprisonment and a fine of Rp100 million, whereas S received ten months' imprisonment and the same amount of fine (Mahkamah Agung, 2022f, 2023). At the first stage, both cases satisfy the basis for comparison because they concern the same statutory offense and establish the defendants' criminal liability. At the second stage, their roles require individual assessment: JP's involvement was connected to land ownership and the engagement of workers, whereas S participated in a joint mining arrangement involving jointly purchased equipment and profit-sharing with workers. Although these differences are relevant, the available judicial reasoning does not sufficiently establish how they correspond to different degrees of culpability.

At the third stage, the landslide mentioned in JP's judgment illustrates the potential threat of mining activities to human life. Nevertheless, it cannot be attributed to JP as an aggravating circumstance without establishing his individual responsibility for the resulting harm. Similarly, S's involvement in joint equipment acquisition and profit-sharing indicates an economic dimension to the activity but does not, by itself, establish that a longer sentence was proportionate. Finally, at the fourth stage, the four-month difference in imprisonment is not adequately explained by the judicial reasoning examined in this study. Accordingly, the model identifies an unexplained sentencing disparity rather than conclusively establishing that either sentence was inherently unjust. From the perspective of *fiqh jinayah*, the difference requires a more explicit justification based on individual responsibility, proportionality, and the public interests protected by the punishment.

The examination of the nine rulings demonstrates that sentencing variations require more than a comparison of imprisonment terms and fines. The comparison between JP and S reveals the need for adequate judicial reasoning when different sentences are imposed for the same statutory offense, while the identical sentences imposed on AA, R, and A demonstrate that equal sanctions also require justification when defendants perform materially different roles. These findings illustrate the relevance of the proposed model in evaluating both differences and similarities in sentencing. Its contribution lies in integrating the principles of individual accountability, proportionality, *ta'zir*, and *maslahah* into a structured assessment of judicial consistency. Accordingly, from the perspective of *fiqh jinayah*, fair sentencing does not necessarily require uniform sanctions, but requires every difference or similarity in punishment to be supported by a rational assessment of individual responsibility and the legitimate public interests pursued.

Comparison with Previous Studies

These findings confirm and extend earlier research published in Scopus-indexed and Sinta-accredited journals. Melati and Panjaitan (2025) examined Decision No. 153/Pid.Sus/2023/PN Mdl as a single case of criminal law enforcement, whereas the present study places the same decision among nine rulings and shows that its ten-month sentence becomes meaningful only when compared with materially similar cases such as JP's. Achmadi (2023) and Parameswara et al. (2025) focused on the application of criminal provisions and on institutional obstacles to enforcement, while Rohman et al. (2024a, 2024b) called for stronger legislation and an ecological justice orientation; this study adds that stronger enforcement must still be accompanied by individualized and well-reasoned sentencing. In line with Revaldo et al. (2026), the analysis confirms that the qualification of participation matters for proportionality in unlicensed mining offenses, and it goes further by showing that identical sentences for different roles also require justification. Djatmika et

al. (2025) treated disparity as a matter of legal policy and judicial review in corruption cases, and Plesničar (2024) described how judges and prosecutors deal with disparity in practice; both support the view that the problem lies in unexplained differences rather than in differences as such.

On the side of Islamic criminal law, Djalaluddin et al. (2023) emphasized the educational and preventive purposes of *ta'zir*, and Rebhi et al. (2026) showed that differential *'uqubat* is legitimate when supported by relevant and defensible grounds. The four-stage model translates these positions into questions that can be applied to written judgments. Comparable efforts to bridge classical Islamic thought and contemporary practice have been made in other fields (Fatmawati et al., 2026), and work on framework development stresses that a framework should be designed and validated before it is applied widely (Haditia et al., 2026). The proposed model should therefore be read as a first operational step that still requires testing on a wider body of decisions.

E. Conclusion

This study examined nine decisions of the Mandailing Natal District Court issued between 2021 and 2023 on unauthorized mining and on the handling or sale of minerals from unlicensed sources, and it reaches three conclusions. (1) Sentencing varied considerably, with imprisonment ranging from one month and fifteen days to ten months and fines from Rp1 million to Rp100 million, but this variation does not in itself establish injustice, because sentencing must reflect the material circumstances of each case, the defendant's role and culpability, and the relevant aggravating and mitigating factors; the comparison between JP and S and the identical sentences imposed on AA, R, and A show that both differences and similarities in punishment require adequate judicial justification. (2) From the perspective of *fiqh jinayah*, the principles of *al-'adl*, individual accountability, *ta'zir*, *maslahah*, and *maqasid al-shari'ah* provide a normative basis for judging proportionality: justice does not demand uniform sanctions, but it requires every difference or similarity in punishment to rest on individual responsibility and the legitimate protection of public interests. (3) On this basis, the study proposes a four-stage model covering criminal liability, individual circumstances, proportionality and public interest, and consistency among decisions; the model is a case-derived synthesis rather than a universally validated framework, and it calls on judges to give structured reasoning that links proven facts, individual culpability, personal circumstances, and the severity of the sentence. These conclusions are limited by the focus on nine first-instance decisions from one district court, by a regulatory context in which Government Regulation No. 96 of 2021 and Attorney General's Guideline No. 8 of 2022 did not provide specific sentencing guidance, and by the appellate and cassation status of the decisions, which could not be confirmed. Prospectively, the model can be tested on decisions from other courts, jurisdictions, and categories of mining offenses, combined with systematic tracing of appellate outcomes, and developed into a practical checklist for judges, prosecutors, and judicial training institutions to strengthen the consistency of sentencing in natural resource crimes.

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Author Contributions

Syahwa Mastia Sofa Lubis: Conceptualization, methodology, investigation, data curation, and writing (original draft). Liantha Adam Nasution: Investigation, formal analysis, and writing (original draft). Ahmad Bakhri Lubis: Methodology, validation, supervision, and writing (review and editing). Bangbang Sudrajad: Supervision, validation, project administration, and writing (review and editing). Febriani: Supervision, critical review, and final approval of the manuscript. All authors have read and agreed to the published version of the manuscript.

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Conflict of Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Ethical Approval

Ethical approval was not required for this study, as it did not involve human participants, animal subjects, or any procedures requiring ethical clearance.

Data Availability Statement

The data supporting the findings of this study are available from the corresponding author upon reasonable request.

Declaration of AI Use

During the preparation of this work, the authors used ChatGPT and DeepL for grammar, syntax, and spelling correction, as well as for translation from Indonesian into English. After using these tools, the authors reviewed and edited the content as necessary and take full responsibility for the content of the publication.

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